

PATENT APPLICATION
DOCKET NO.: 43225 41824BUSPIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bieser, et al.

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Serial No.: 09/032,893

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Examiner: Juska, C

Filed February 27, 1998

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Group No 1771

For Homogeneously Branched Ethylene
Polymer Carpet, Carpet Backing and
Method for Making Same§
§
§Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

The Applicant respectfully disagrees with the Office's Notice of Abandonment mailed on July 17, 2001, given the following facts.

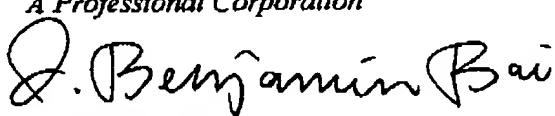
1. An Office Action was mailed on November 30, 2000.
2. A Response to the Office Action was mailed on May 30, 2001. The complete response consisted of a Continued Prosecution Application (CPA). The Response to Office Action was filed within the six-month period.
3. A Notice of Improper Request for Continued Examination was mailed on June 28, 2001. The Office takes the position that the CPA was improperly filed and it was treated as a Request for Continuing Examination and was not complete. Under MPEP § 714.03, the Examiner should

have given time to complete the response, where a reply is a bona fide attempt to advance the application to final action, but contains an omission, the Examiner should if there is insufficient time remaining, issue an Office Action stating a one-month time period to complete the reply pursuant to 37 C.F.R. §1.135(c)

4. On July 25, 2001, the Applicant filed a Reply to Notice of Improper Request for Continued Examination, within a one-month time period. The CPA filed on May 30, 2001. A complete response was filed on July 25, 2001. A copy of the response and the postcard of the filing of July 25, 2001 is enclosed. Therefore, the Applicant respectfully requests the holding of abandonment to be withdrawn.

Respectfully submitted,

JENKENS & GILCHRIST
A Professional Corporation


J. Benjamin Bai
Reg. No. 43,481

Date: 8/15/2001

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